

Application No.: 09/937,628

Docket No.: 21900-00039-US

REMARKS

The Office Action and prior art relied upon have been carefully considered. In an effort to expedite the prosecution of the present application, claims 1-7 have been amended to more succinctly set forth the novel aspects of the present invention as compared with the prior art.

Prior to discussion of the lack of relevance of the cited prior art as compared to the amended claims, a brief description of the claimed invention should be useful to the Examiner.

As set forth in the claims, the present invention is directed to an emergency communication system and not a system dealing with attempted vehicle theft or theft of an auto stereo. As claimed, the system of the present invention includes a terminal unit that is installed on a vehicle and this terminal cooperates with an emergency communication device which is typically a portable phone. A phone is flexible in its usage in that it is an integral part of the emergency communication system that can be used as a stand alone device for normal telephone communications.

The point of novelty of the present invention is to prevent the vehicle from starting when the communication device (portable telephone) is not located within the vehicle and connected to the communication system. This is of concern since the communication device (phone) can be used outside of the vehicle and possibly left outside the vehicle by accident when the vehicle drives off without the phone being connected within the vehicle. Thus, the driver, in case of an emergency, would have an incomplete system for communicating his emergency situation.

Thus, according to the present invention, when a control unit (12) detects that the phone (2) is disconnected, the control unit (12) disables the vehicle starting system (4). This operation is discussed on pages 35 and 37 of the specification.

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Claims 1, 2 and 4-7 were rejected under 35 U.S.C. § 103 as being unpatentable over Okagaki et al. (U.S. Pub. No. 2002/0032876) in view of Hatcher (U.S. Pat. No. 5,570,756) and further in view of Nagashima et al. (U.S. Pat. No. 5,537,673). Claim 3 is further rejected under 35 U.S.C. § 103(a) as being unpatentable over Okagaki et al., Hatcher, Nagashima et al. and further in view of Thibeault (U.S. Pat. No. 5,179,868).

The primary reference to Okagaki et al. is directed to an anti-theft device for an auto audio system. As explained on page 7, paragraph [0107] the reference includes a detachable faceplate unit (15), the removal of which cancels the commercial value of the audio system and therefore discourages theft thereof. On the same page, paragraph [0111] there is a discussion of a security control unit (5) that detects vibration or impact and produces an alarm. This presumably has the effect of discouraging theft of the vehicle.

There is no discussion or teaching in this reference that a vehicle can be disabled when a communication device (phone) is not connected to a communication system. This is due to the fact that Okagaki et al. is directed to a completely different problem and solution.

The reference to Nagashima et al. is also directed to a removable faceplate for a car audio system. The object of this patent is to disable a car stereo when the faceplate is removed by a user, as a precaution. Ultimately, if the vehicle is stolen with the faceplate installed, it is possible for the owner to call the integrated cellular phone in the faceplate and by entry of an appropriate code the car stereo becomes inoperative. Thus, it will be appreciated that the only thing this reference is capable of doing is disabling a car stereo by removal of the faceplate or by telephone activation.

Thus far, Okagaki et al. and Nagashima et al. merely teach that faceplate removal of a car stereo is useful in disabling ordinary operation of a car stereo. The two remaining references to Hatcher and Thibeault deal with anti-theft devices for vehicles which will block vehicle movement. However, as will be discussed hereinafter, there is no connection between these anti-theft systems and the car stereos anti-theft systems of Okagaki et al. and Nagashima et al.

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In Hatcher, the brakes become applied when a vehicle is brought to rest. The braking system may be deactivated by entering a numerical code into a key pad mounted on the vehicle dashboard. There is no relationship between a communication device (phone) and the breaking system.

Thibeault is similarly lacking since it only blocks movement by locking a transmission that requires entry of a code or activation of a hidden switch by the user in order to move the vehicle.

In summary, two of the references deal with car stereo theft prevention while two other references deal with anti-theft systems for vehicles. There is no reasonable connection between the intergrated cell phone of Nagashima et al. or the inferred communication unit built into the faceplate (15) of Okagaki et al. that would selectively disable a vehicle if the communication device was removed from the vehicle and consequently disconnected therefrom.

It would hardly be obvious to one of ordinary skill in the art to pick and choose disparate pieces of the Applicants invention to achieve the specific goal accomplished by the structure of the present invention, when the purposes of the cited references are so entirely different from the specific purpose of this application. Thus, applicant believes that there is a complete failure to provide a demonstration, suggestion or teaching that all the references can somehow be combined in the manner accomplished by the claimed invention and for the purpose that it services.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 21900-00039-US from which the undersigned is authorized to draw.

Dated: October 14, 2004

Respectfully submitted,

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